

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion to reopen this case.

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 for false arrest, which he alleges occurred on or about May 9, 2005. At the outset of the case, the Court stayed this action, pursuant to Wallace v. Kato, 127 S.Ct. 1091, 1098 (2007), because the underlying criminal case was still pending against plaintiff in Missouri state court. Plaintiff seeks to reopen this case asserting that there has been a final disposition in the underlying criminal matter. Defendants object to plaintiff's motion on the grounds that there is still an ongoing criminal case proceeding against him stemming from his May 9, 2005 arrest. See State v. Motley, Case No. 08-22-CR00035. In light of the lack of resolution of the criminal matters stemming from the arrest at issue in this case, the Court sees no reason to change the status of the case at this time.

Accordingly,

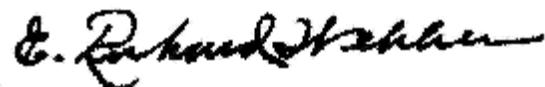
IT IS HEREBY ORDERED that plaintiff's motion to reopen the case [Doc. #22] is **DENIED**.

IT IS HEREBY ORDERED that all proceedings in this case are **STAYED** pending final disposition of the criminal charges pending against plaintiff in State v. Motley, Case No. 08-22-CR00035.

IT IS FURTHER ORDERED that plaintiff shall notify the Court in writing concerning the final disposition of the criminal charges pending against him in State v. Motley, No. 08-22-CR00035, within thirty (30) days after final disposition of the charges is made.

IT IS FURTHER ORDERED that this case shall remain administratively closed pending final disposition of the criminal charges against plaintiff, and may be reopened by plaintiff's filing of a motion to reopen the case after such final disposition.

So Ordered this 30th Day of January, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE